App F IX 4

1927.

File No 207-27

Previous References

~~me 69~~

Serial Nos. 1+

Later References

me 244-28812

L-B 114-29 - 86 7, 9 & 10

me 05 3 (70-431)

~~Mi 82~~-32 46 6 & 16

~~mi 76-4-1~~

General and Revenue Secretariat.

~~mi~~ 138-46 (S^t 6)

~~mi~~ 38-84 (16 17, 48, 49.

Serial Nos Two

Part B for November 1927

SUBJECT

Revised Draft Rules for the election of Presidents and Vice-Presidents of town & rural municipal Councils

~~root~~ Le nos 30555 & 30556 of 26-11-1927 ratifying the above & the

To 1 The Comptroller Supply Store Ka

Received 13-3-1928

WD 0122—GPB —37 500—1 9-26

App F III—2]

General and Revenue Secretariat

mc File No. 207- of 1927

Serial No

Extract from the Office Note of Municipal File No 14-26, relating to the election of a Vice --- president to Chiknaikanahalli Municipal Council -

x x x

7 The first point for consideration is -- whether the Rules of 1925 (Fl K) can be made --- applicable to the elections to be held or held -- under the amended Section 23 of the Municipal Regulation Under Rule 1 (a) the meeting for --- election is to be held within two months of the date of the Government Order giving the privilege of election Such an order is unnecessary under the amended Section 23 (4) This rule cannot -- therefore apply to the present case

8 No rules have been framed under Section 23 (4) for the holding of elections of Vice Presidents The election has therefore to be approved

Even granting that the rules (Fl K) apply the irregularities pointed out by the Deputy Commissioner do not materially affect the result of the election First with regard to the issue of notice more than 20 days before the date of the meeting, i the ~~election~~ Speaker is the the two absent members --- would have been present and voted, the result would have been a majority of votes in favour of Mr -- Chowdia, the Successful candidate

10 Then/~~with~~ re-gard to one of the candidates himself voting Mr Chowdia voted for himself and -- this vote is deducted from the number he got, the result would still have been in favour of Mr Chowdia even if the absent members were present and voted for Mr Thimmappiah

General and Revenue Secretariat

ml File No 207 of 1927

Serial No

11 The election may, perhaps, not therefore be interfered with.

Itld/- T S
29/11
C E R
29/11

L & L Secry)

12 After the amendment of Section 23, the rules of 1925 have become inapplicable Assuming that the rules are applicable the objections pointed out by Deputy Commissioner do not materially prejudice the defeated candidate

13 The election of the Vice President is not open to any objection

14 The name of the successful candidate may be notified

Itld/- B N
7-12
T K S

15 Order accordingly and please revised at once the rules of 1925 agreeably to the amendment

Itld/- K C
9-12-26

x x x

17 (1) A Notification approving of the -- election of Chowdiah is ~~perhaps~~ (2) In the Memo the Deputy Commissioner is being informed as to the reason of the Notification as he wanted to cancel the election This is for approval or other orders. (3) The amendment of the rules will be taken up after orders issue in this case separately

Itld/- T K S
13-12

L & L Secy)

18 Draft approved.

ltd/- B N
15-12.

WD 0.229—GPB—37 500—1 9 (
App F III—2]

General and Revenue Secretariat

ml File No 207 of 1927

REVENUE SECRETARIAT 4348 Serial No

12. Issue and put up for amendment of Rules Mr.Y Narasimha Iyengar, to attend to the Rules

Intd. T K S
16/12

As instructed - one set of draft Rules providing for ballot and another drafted on lines of the ~~Election~~ Rules for election of the seats owed Vice - Presidents of the Taluk Boards recently issued are sent for appl. -
9/3/27 perhaps The Law Secy may kindly see

2 Law Secy with compts

Sheet

App F III—2]

General and Revenue Secretariat — File No 27 of 1927

Serial No.

2 In the Draft rules marked I the following alterations appear necessary -

Preamble. The words "when the Government shall have directed that one or both of these office-bearers be elected by the Council" cannot apply to the Vice-President, as Section 23 (4) does not require any direction from the Govt for electing the Vice-President

Rule 1 Clause (a) of this rule will not apply to election of Vice-Presidents The wording of clause (b) also requires a change suitably

Rule 7 It is not clear who will appoint the officer to enquire into the validity of elections This point may be specifically mentioned

Rule 8 It is stated that Govt may pass such orders as they think fit Approval of election is unnecessary and it may be specifically stated that the Govt may pass orders declaring the election to be invalid and that in such cases a fresh election should be held

Rule 9 This rule is not authorised Power to appoint the President can be acquired only by withdrawing the privilege of election from the -- Municipal Council In the case of the President the Govt can exercise the powers only by cancelling the orders granting the privilege In the case of Vice-Presidents the Govt has to decide under the proviso to Secn 23 (4) whether they will appoint the Vice-President by name

Note—Contn sheet

5

F III—2]

ral and Revenue Secretariat — File No 207 of 1927

Serial No.

In the draft rules marked No II the rules are defective in respect of the several matters - referred to above in connection with draft No I

In clause (c) of Rule 4 of this Draft it is stated that in case of there is only one candidate who has been nominated, there should be not less than one-half the total number of councillors present at the meeting It is not clear why the result is made to depend on the number of - councillors present at the meeting The rules do not provide how the nomination of the single candidate has to be treated if the prescribed number of councillors is not present The rule will have to be suitably revised

bring up at bangalore

11/6/27

If only one candidate stands there is no necessity for a meeting at all since no election is necessary, much less a quorum

Besides, the necessity for a quorum when only one candidate stands for election is not apparent when no quorum is prescribed for election when more than one candidate stands

In Rule 4 the "number" is to be substituted for "retained"

Secy L-D

pp F III—2]

4348 6

General and Revenue Secretariat — File No 247 of 1927

Serial No

Draft Rules for the election of Presidents of Rural Councils have been revised in Council in terms of the suggestions of Mr Sivaramayya & approved the draft Rules will be retyped

Separate Rules for the election of Vice-Presidents of Rural Councils will be framed and submitted shortly

3/9/27

Typed copy of the revised Rules is laid for approval

12/9/27

Please put up the Rules draft also

Two typed draft Rules - one relating to the election of the President and another relating to the election of the Vice-President - are submitted for approval

10/10/27

Please retype page 1 of draft as revised

Mr Sivaramaya maybe pleased see the rules and add report

2/11

tn sheet

WD

11318

App F III—2

General and Revenue Secretariat — File No 207 of 1927

Serial No

~~1st draft~~ A copy of revised 1st draft is submitted herewith for Secretariat file

3/11/27 I have scrutinised the rules and made a slight change in rule no 3 - proviso (a) the rules appear to be free from any objection

14/11/27 Supreme has shown me in practice a certain variance in regard to the local knowledge on the subject of rules is found to be generally of this points to the necessity of making the rules somewhat elastic in respect of time limit; certain minor alterations are suggested

Further the mere fact that a single candidate is nominated shall not make him a President or Vice President even against the will of the voters present

NOTE—Contn sheet

WD 0924 GPB—60 000—24 5-27

General and Revenue Secretariat. Pol File No. 307 of 1927

Serial No.

and so a proviso in general has been suggested. To prevent Small Variations being brought forward power may expressly be reserved to overlook small variations of the rules

MG
15/11

Shd the rules be notified as called for? If so, draft notification

MG
17/11

It is not usual to call for objections against the draft Rules issued by Govt under the Act Rules

Pol
19/11/27 & 19/11

The rules as drafted may be approved

MG
19/11

4097
19/11

Asst Secretary

Secretary
29/11/27

Home Member

Notes—Contin. sheet

WD 6334—SFB—60,000—24-5-27

General and Revenue Secretariat

File No 27 of 1927

Serial No.	
1	ಇವರ ಪತ್ರ ನಂ. 430 ದಿ 21.11.27 ರ ಮೇರೆಗೆ ಮಾನ್ಯರವರ ಪ್ರಸ್ತಾವನೆ ಅಭಿಪ್ರಾಯ ಮತ್ತು ಶಿಫಾರಸ್ಸುಗಳನ್ನು ಕೊಡಲು ಕೋರಿಕೆ ಮೇರೆಗೆ ಪ್ರಸ್ತಾವನೆಯ ಪ್ರತಿಯನ್ನು ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ.
2	ಇವರ ಪತ್ರ ನಂ. 1 3057 ದಿ 28.11.27 ರ ಮೇರೆಗೆ ಮಾನ್ಯರವರು, ಮಾನ್ಯರವರ ಪ್ರಸ್ತಾವನೆ ಅಭಿಪ್ರಾಯ ಮತ್ತು ಶಿಫಾರಸ್ಸುಗಳನ್ನು ಕೊಡಲು ಕೋರಿಕೆ ಮೇರೆಗೆ ಪ್ರಸ್ತಾವನೆಯ ಪ್ರತಿಯನ್ನು ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ.

D
14/

NOTE—Contn. sheet.

Notification 26/11/27

Under Sub Section (2) (c) of Section 23 of the Mysore Municipad Regulation 1906, as amended from time to time and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President of a Town or Minor Municipal Council

1 (a) The date of the meeting shall be (i) not later than two months (a) from the date of the Government order granting the privilege if the privilege of election is granted -- during the term of an existing council, (b) the date of occurrence of the vacancy when the office of an elected President becomes vacant otherwise, and (c) from the date of the order setting aside the election under rule 8 infra and (ii) not later than one month from the date of the reconstitution of a Council already enjoying the privilege

Provided that at least fifteen days' notice of every such meeting shall be given during the said period of one or two months as the case may be, by the Vice-President or, in his absence by the Chief Executive Officer of the Municipal Council.

2 (a) Every candidate shall be nominated after the issue of such notice, by at least two non-official Councillors in the following form which shall be sent to the Vice-President or in his absence to the Chief Executive Offi

Council at

~~at least two non-official Councillors in the following form which shall be sent to the Vice-President or in his absence to the Chief Executive Officer of the Municipal Council~~ at least seven days before the date fixed for the meeting —

Municipality of

We the undersigned, nominate

as a candidate for the office of ~~Vice~~ President at the election to be held on the day of 192

Date Signed
Signed

3 The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election

4 The Councillors present on the day of election shall, for the purpose of presiding at the meeting select one from among themselves, who is not a candidate

5 The election shall be decided by eliminating one by one, the name of the candidate obtaining the least number of votes at each voting until there are only two candidates left, and out of these, whoever obtains the larger number of votes shall be declared elected

Provided that:—

(a) If there is only one candidate, ~~who has been duly proposed and seconded, such candidate~~ he shall be deemed to have been elected

(b) equal number of

of votes being cast in favour of two candidates, a selection of one of them shall be made by lot immediately

6 The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Government through the Deputy Commissioner, along with the minutes of the proceedings of the meeting with the names of the members present

7 The validity of the election may be contested by a petition signed by at least three councillors and filed before the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the --- election

8 Upon receipt of such petition, an enquiry into the validity of such objections shall be held by the Deputy Commissioner or other officer appointed by the Deputy Commissioner for the purpose and upon the conclusion of the enquiry, the Deputy Commissioner shall report the proceedings together with his opinion to Government It will -- thereupon be open to Government to pass --- orders declaring the election to be invalid

"By Order",

Spl. Secry to Govt

3/11/37

To

The Compiler, Mysore Gazette, for publication

K M R.1
2/11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

No. L. [illegible] Dated Bangalore, [illegible] 1927

NOTIFICATION

Under Sub-Section (4) of Section 23 of the Mysore Municipal Regulation, 1906, as amended from time to time and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the Vice-Presidents of a Town or Minor Municipal Councils-

1. The date of the meeting shall ordinarily be not later than

(a) one month from the date of the reconstitution, in the case of reconstitution of a Council enjoying the privilege,

(b) two months from the date of occurrence of the vacancy when the office of an elected Vice-President becomes vacant otherwise; and

(c) two months from the date of the order noting made the election under rule 2 infra.

Provided that at least fifteen days' notice of every such meeting shall be given during the said period of one or two months as the case may be, by the President or, in his absence, by the Chief Executive Officer of the Municipal Council.

2. Every candidate shall be nominated after the issue of such notice by at least two non-official Councillors in the following form, which shall be sent to the President or in his absence to the Chief Executive Officer of the Municipal Council at least seven days before the date fixed for the meeting:-

Municipality of .....

We, the undersigned, nominate .....

as a candidate for the office of Vice-President at the election to be held on the .....

A.

day of 19

Dated .....

.....

.....

8. The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election.

9. The Councillors present shall, if the President be absent select for the purpose of presiding at the meeting one from among themselves, who is not a candidate.

10. The election shall be decided by eliminating one by one the name of the candidate obtaining the lowest number of votes at each voting until there are only two candidates left and out of them, whoever obtains the longer number of votes shall be declared elected.

Provided that

(a) If there is only one candidate, he shall be deemed to have been elected.

(b) In case of an equal number of votes being cast in favour of two candidates, a selection of one of them shall be made by lot immediately.

11. The result of the election shall be declared at the meeting immediately by the Presiding authority and communicated by him without delay to the Government through the Deputy Commissioner, along with the minutes of the proceedings of the meeting with the names of the members present.

12. The validity of the election may be contested by a petition signed by at least three Councillors and filed before the Deputy Commissioner within seven days from the date of the election next and shall allege specific grounds for setting aside the election.

13. Upon receipt of such petition or enquiry into the validity of such objection or objections shall be held by the

Deputy Commissioner for the purpose and upon the completion of the enquiry the Deputy Commissioner should report the proceedings together with his opinion to Government. It will thereupon be open to Government to pass orders declaring the allegation to be true or untrue.

By Order,

Under Secretary to Government.

2c

The Compiler, Kyasura Gangaiya, has published, which the prescribed three 500 copies both in English and Kannada may be used to each of the Deputy Commissioners and 1,000/- copies in English and 500 copies in Kannada would be their office.

K.K.R.T.
27/11.

MUNICIPAL AND LOCAL BOARDS

No 6342 –*Ml* 56 24 233 *dated* 28*th February* 1925

Under ~~Clause (c) of th~~ ub Section (2) of Section 23 of the Mysore Municipal Regula 1906 as amended and in supersession of the existing rule[s] the subject the Government of His Highness the Maharaja are pleased to make the follow rules to regulate the election of the ~~President and~~ the Vice President of a Town or Minor pal Council when ~~the Government shall have directed that one or both of these office~~

~~(1)~~ The election ~~hall take place~~

(*a*) ~~if the privilege of election is granted during the term of an existing Council, at a meeting of the Council held not later than two months from the date of the Government Order granting the privilege~~

(*b*) when an elected ~~President or~~ Vice President vacates office on the expiry of his term of office at a meeting of the Council held not later than one month from the date of occurrence of the vacancy

(*c*) ~~in the case of a reconstituted Council enjoying the privilege~~ at a meeting of the Council not later than one month from the date of the ~~reconstitution~~

(*d*) when the office of ~~an elected President or~~ Vice President becomes vacant under ~~Rule~~ Section (7) of Section 23 of the Regulation, at a meeting of the Council held not later than two months from the date of occurrence of the vacancy, and

(*e*) ~~when a fresh election is ordered under Rule 3(g) infra at a meeting of the Coun~~ ~~cil held not~~ later than two months from the date of such order

Provided that at least fifteen days and not more than twenty days notice of every such meeting shall be given during the said period of one or two months as the case may be by the President for the time being or in his absence by the Vice President or in the absence of both of them by the Chief Executive Officer of the Municipal Council

(2) Every candidate ~~for the office of President or Vice President~~ shall be nominated after the issue of such notice by at least two members of the ~~existing or reconstituted Council as the case may be~~ in the following form, which shall be sent to the Chief Executive Officer of the Municipal Council at least seven days before the date of the ~~meeting at which the election is to take place~~

Municipality of

We the undersigned nominate as a candidate for the office of ~~President or~~ Vice President at the election to be held on the day of 192

Date

Signed
Signed

~~(3)~~ The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election

(4) The voting shall be by ballot and the election shall be decided by a majority of votes of the Councillors voting at the meeting provided that the number of non official Councillors present shall not be less than half of the total number of such Councillors

No Councillor who is a Government servant and no candidate nominated for the office shall take part in the ballot But a candidate may withdraw his candidature at any stage with or without the consent of his nominators and if he does so he shall then be competent to take part in the ballot

(5) The following procedure shall be adopted in conducting the election —

(*a*) If only one candidate has been nominated there shall be no balloting and such candidate shall be deemed to have been elected provided that the number of non official Councillor present shall not be less than half of the total number of such Councillors

(*b*) If two or more candidates have been nominated the votes shall be recorded as follows —

Every Councillor wishing to vote shall at the meeting write on a slip of paper the name of the candidate he wishes to be elected to the office of President or Vice-President and place the same in a box so constructed that papers may be placed therein but not extracted without the box being opened The Presiding authority shall then open the box and count the votes in the presence of the Council Any ballot paper on which the names of more candidates than one are retained shall be invalid

(c) If there are only two candidates and both of them have secured an equal of votes the proceedings shall be closed

(d) If there are more than two candidates and no one of them has secured a ma of votes required by Rule (4) the ballot shall be repeated At each successive ballot the candidate who obtained the fewest votes at the preceding ballot shall be eliminated and he shall then be eligible to vote If two or more candidates lowest on the list have obtained an equal number of votes a separate ballot shall be taken in order to decide which of them should be eliminated The elimination shall if no candidate secures the prescribed majority of votes be made until two candidates only are left If the two candidates left after the elimination secure an equal number of votes the ballot shall not be further repeated

(e) If only one candidate has been nominated and he is deemed to have been elected under paragraph (a) *supra* or if as a result of the ballot any one of the candidates has secured a majority of the votes as required by Rule (4) the election of such candidate shall not take effect until the Government have notified their approval of the same

(6) The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Deputy Commissioner of the District along with the minutes of the proceedings of the meeting with the names of the Councillors present

(7) The validity of election may be contested by a petition signed by at least three Councillors and not otherwise provided that such petition shall reach the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the election on account of material irregularity in the conduct thereof

(8) Upon receipt of such petition the Deputy Commissioner shall enquire personally or by some other officer deputed by him not below the grade of an Assistant Commissioner into the validity of such objection or objection

(9) When seven days from the date of election have expired or if any such petition as is described in Rule (7) above has been received then upon the conclusion of the enquiry into the validity of such objection or objections the Deputy Commissioner shall report the proceedings together with his opinion to Government who shall pass such orders as they may think fit

(10) The election shall be subject to the approval of Government In the event of no election being made within prescribed period or in the event of an election held not being approved by Government or in the event of two candidates securing an equal number of votes Government may appoint the President or Vice President as the case may be or, may order a fresh election

By Order
B NAGAPPA
Secretary to Government
Local and Legislative Departments.

MUNICIPAL AND LOCAL BOAI

No L 3056—ML 207 27 2 dated 26th November 1927

Under sub section (4) of section 28 of the Mysore Municipal Regulation 1906 as amended from time to time and in supercession of the existing rules on the subject the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the Vice President of a Town or Minor Municipal Council —

1 The date of the meeting shall ordinarily be not later than

(a) one month from the date of the reconstitution, in the case of reconstitution of a Council enjoying the privilege

(b) two months from the date of occurrence of the vacancy when the office of an elected Vice President becomes vacant otherwise and

(c) two months from the date of the order setting aside the election under Rule 8 *infra*

Provided that at least fifteen days notice of every such meeting shall be given during the said period of one or two months as the case may be by the President or in his absence by the Chief Executive Officer of the Municipal Council

2 Every candidate shall be nominated after the issue of such notice by at least two non official Councillors in the following form which shall be sent to the President or in his absence by the Chief Executive Officer of the Municipal Council at least seven days before the date fixed for the meeting —

Municipality of

We the undersigned nominate as a condidate for the Office of Vice President at the election to be held on the day of 192

Dated

Signed

Signed

3 The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election

4 The Councillors present shall if the President be absent select for the purpose of presiding at the meeting one from among themselves who is not a candidate

5 The election shall be decided by eliminating one by one the name of the candidate obtaining the least number of votes at each voting until there are only two candidates left and out of these whoever obtains the larger number of votes shall be declared elected

Provided that—

(a) if there is only one candidate he shall be deemed to have been elected

(b) in case of an equal number of votes being cast in favour of two candidates, a selection of one of them shall be made by lot immediately

6 The result of the election shall be declared at the meeting immediately by the Presiding authority and communicated by him without delay to the Government through the Deputy Commissioner along with the minutes of the proceedings of the meeting with the names of the members present

7 The validity of the election may be contested by a petition signed by at least three Councillors and filed before the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the election

8 Upon receip of such petition an enquiry into the validity of such objection or objections shall be held by the Deputy Commissioner or other officer appointed by the Deputy Commissioner for the purpose and upon the conclusion of the enquiry the Deputy Commissioner shall report the proceedings together with his opinion to Government It will thereupon be open to Government to pass orders declaring the election to be invalid

By Order

B. RANGA RAO,

General Secretary to Government

Notification

Under Sub-Section (1) of Section 23 of the Mysore Municipal Regulation 1906, as amended from time to time and in supersession of the existing rules on the subject, the Govt of His Highness the Maharaja are pleased to -- make the following rules to regulate the election of Vice-Presidents of a Town or Minor Municipal Council

1 The date of the meeting shall be not later than

(a) ~~Not later than~~ one month from the date of the reconstitution, in the case of a reconstituted Council enjoying the privilage,

(b) ~~Not later than~~ two months from the date of occurrence of the vacancy when the -- Office of an elected Vice-President becomes -- vacant otherwise and

(c) ~~Not later than~~ two months from the date of the order setting aside the election under rule 8 infra

Provided that at least fifteen days' -- notice of every such meeting shall be given -- during the said period of one or two months, as the case may be, by the President or, in his absence, by the Chief Executive Officer of the Municipal Council

2 Every candidate shall be nominated after the issue of such notice by at least two non-official Councill ~~members~~ in the following form, which shall be sent to the President or in his absence to the Chief Executive Officer of the Municipal Council at least seven days before the date fixed for meeting -

unicipality of

/e the undersigned nominate

as a candidate for the office of Vice-President

Date

Signed
Signed

3. The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election.

4. The Councillors present shall, if the President be absent, elect for the purpose of presiding at the meeting, one from among themselves, who is not likely to be a candidate.

5. The election shall be decided by eliminating one by one, the name of the candidate obtaining the least number of votes at each voting, until there are only two candidates left, and out of these, whoever obtains the larger number of votes shall be declared elected.

Provided that:—

(a) If there is only one candidate, who has been duly proposed and seconded, such candidate shall be deemed to have been elected.

(b) In case of an equal number of votes being cast in favour of both the candidates, a selection of one of them shall be made by lot immediately.

6. The result of the election shall be declared at the meeting immediately by the Presiding authority and communicated by him without delay to the Government through the Deputy Commissioner, along with the minutes of the proceedings of the meeting with the names of the members present.

7. The validity of the election may be contested by a petition signed by at least three councillors and filed before the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for

gounds for setting aside the election

8 Upon receipt of such petition an enquiry into the validity of such objection or objections shall be held by the Deputy Commissioner or other officer appointed by the Deputy Commissioner for the purpose and upon the conclusion of the enquiry, the Deputy Commissioner shall report the proceedings together with his opinion to -- Government It will thereupon be open to Government to pass orders declaring the election to be invalid.

By Order,

Gl Secry to Govt

To

The Compiler, Mysore Gazette for publication

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

No. L. 3055 / Jul no 7-VI

Dated Bangalore, 26 11 .1927

NOTIFICATION

Under Sub Section (4) (c) of Section 28 of the Mysore Municipal Regulation, 1908, as amended from time to time and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President of a Town or Minor Municipal Council:-

1. The date of the meeting shall be (i) not later than two months (a) from the date of the Government Order granting the privilege, if the privilege of election is granted during the term of an existing council; (b) the date of occurrence of the vacancy when the office of an elected President becomes vacant otherwise; and (c) from the date of the order setting aside the election under rule 8 infra; and (ii) not later than one month from the date of the reconstitution, in case of reconstitution of a Council already enjoying the privilege.

Provided that at least fifteen days' notice of every such meeting shall be given during the said period of one or two months as the case may be, by the Vice President or, in his absence, by the Chief Executive Officer of the Municipal Council.

2. Every candidate shall be nominated after the issue of such notice, by at least two non-official Councillors in the following form which shall be sent to the Vice-President or in his absence to the Chief Executive Officer of the Municipal Council at least seven days before the date fixed for the meetings:-

Municipality of ....

We the undersigned, nominate ... .

as a candidate for the office of President at the election to be held on the ..... day of .... 19..

at ....

Signed. .....

Signed .....

4.

3. The names of candidates shall be notified at the Central Office at least five days before the day fixed for holding the election.

4. The Commissioner present on the day of election shall, for the purpose of presiding at the polling unless one from among themselves, who is not a candidate.

5. The election shall be decided by ballot-slip and by one, the name of the candidate obtaining the least number of votes at such voting until there are only two candidates left; one out of them, whoever obtains the larger number of votes shall be declared elected.

Provided that

(a) if there is only one candidate, he shall be deemed to have been elected.

(b) in case of an equal number of votes being cast in favour of two candidates, a selection of one of them shall be made by lot immediately.

6. The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Government through the Deputy Commissioner, along with the minutes of the proceedings of the meeting with the names of the members present.

7. The validity of the election may be contested by a petition signed by at least three councillors and filed before the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the election.

8. Upon receipt of such petition, an enquiry into the validity of such objection or objections shall be held by the Deputy Commissioner or other officer appointed by the Deputy Commissioner for the purpose and upon the completion of the enquiry, the Deputy Commissioner shall report the proceedings together with his opinion to Government. It will thereupon be open to Government to pass orders declaring the election to be invalid.

By Order,

Re

[illegible] Hymans Gazette, Self pasteurisation with the request that ABC copies both in English and Flemish may be sent out with the Supply Circulars and ABC copies in English and ABC copies in Flemish sent to Duke Street.

E.H.B.T.
22/12.

I

Alternative Draft Rule

NOTIFICATION.

Under Clause (c) of ~~the~~ Sub-Section (2) and Sub-Section (4) of Section 23 of the Mysore Municipal Regulation, 1906, as amended by Regulation IV of 1926 and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President and ~~the Vice-President~~ of a Town or Minor Municipal Council when the Government shall have directed that ~~one or both of these office bearers~~ (the Vice-President) be elected by the Council

(1) The election shall take place -

(a) if the privilege of election is granted during the term of an existing Council, at a meeting of the Council held not later than two months from the date of the Government granting the privilege ,

(b) in the case of a reconstituted - Council enjoying the privilege, at a meeting of the Council held not later than one month from the date of the reconstitution,

(c) when the office of an elected - President ~~or Vice-President~~ becomes vacant ~~under sub-sections (7), (8)~~ otherwise or ~~(9) of Section 23 of the Regulation~~, at a meeting of the Council held not later than two months from the date or occurrence of the vacancy ~~and~~

(d) when order for election is - Rule 4 infra at a -

meeting of the Council held not later than two months from the date of such order,

Provided that at least fifteen days' notice of every such meeting shall be given during the said period of one or two - months as the case may be, by the President for the time being, or in his absence by the Vice-President, or, in the absence of both of them, by the Chief Executive - officer of the Municipal Council

(2) The ~~members~~ Councillors present shall, for the purpose of presiding at the meeting, select one from among themselves, who is not - likely to be a candidate for the office of the President ~~or the Vice-President, as the case may be~~

(3) Every candidate for the office of the President ~~or Vice-President~~ must be proposed by one and seconded by another non-official member present at the - meeting

(4) The election shall be decided by eliminating one by one the name of the candidate obtaining the least number of votes at each voting until there are only two candidates left, and out of these, whoever obtains the larger number of votes shall be declared elected

Provided that ,

(a) if there is only one candidate who has been duly proposed and seconded, such candidate shall be deemed to have been elected

(b) in case of an equal number of votes be[illegible]t in favour of both the -

candidates, a selection of one of them shall be made by lot immediately

(5) The result of the election shall be declared at the meeting immediately by the Presiding authority and communicated by him without delay to the Government through the Deputy Commissioner, along with the - minutes of the proceedings of the meeting with the names of the members present

(6) The validity of the election may be contested by a petition signed by at least three councillors and filed before the - Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the - election

(7) Upon receipt of such petition, an - enquiry into the validity of such objections shall be held by the Deputy Commissioner or other officer appointed by the Dy Comr for the purpose

(8) When seven days from the date of - election have expired, or, if any such petition as is described in Rule (6) above has been received, then ~~upon the conclusion of~~ the ~~enquiry~~ shall report the proceedings, together with his opinion to Government, ~~who shall pass such orders as they may think fit.~~

When the enquiry is held by an officer - inferior in rank to the Deputy Commissioner, the records shall be sent through the - Deputy Commissioner.

~~(9)~~ In the event of no election being held within the prescribed period or in case - Government consider that an election is

is not properly held, they may appoint a President or Vice President or may order an election, as the case may be.

" By order,"

General Secretary to Govt

The Compiler, Mysore Gazette, for publication

N O T I F I C A T I O N

Under Clause (c) of ~~the~~ Sub-Section (2) and Sub-Section (4) of Section 23 of the Mysore Municipal Regulation,1906, as amended by Regulation IV of 1926 and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President and the Vice-President of a Town or Minor Municipal Council when the Government shall have directed that one or both of these office bearers ~~shall~~ be elected by the Council -

(1) The election shall take place -

(a) if the privilege of election is granted during the term of an - existing Council,at a meeting og the Council held not later than two months from the date of the Government order granting the - privilege ,

(b) In the case of a reconstituted Council enjoying the privilege, at a meeting of the Council not later than ~~the~~ one month from the date of the reconstitution,

(c) when the office of ~~the~~ an - elected President or Vice President becomes vacant ~~under sub-Section (1) (a) or (c) of Section 23 of the Regulation~~, at a meeting of the Council held not later than two months from the date of the occurrence of the vacancy and

(d) when an order for the election is passed under rule 9 infra, at a meeting of the Council held not later than 2 months from the date of such order.

Provided that at least 15 days notice of every such meeting shall be given during the said period of one or two months as the case may be, by the President for the time being, or in his absence by the Vice President, or, in the absence of both of them, by the - Chief Executive Officer of the Municipal Council

~~The following procedure shall be adopted when the voting is by ballot~~

2 Every candidate for the office of President or Vice President shall be - nominated after the issue of such notice by at least 2 non-official members of - Council, in the following form, which shall be sent to the Chief Executive Officer of the Municipal Council at least 7 days before the date of the meeting at which the election is to take place

Municipality of

We, the undersigned nominate .

as a candidate for the office of President or Vice President at the election to be held on the day of

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Date Signed.

Signed

3 The names of candidates shall be notified at the Municipal Office at least five days before the day fixed for holding the election.

4 The following Procedure shall be adopted Conducting the election -

(a) The voting shall be by ballot and the election shall be decided by a majority of votes of the Councillors voting at the meeting A candidate may withdraw his candidature at any stage with or without the consent of his nominators and if he does so, he shall then be competent take part in the ballot

(b) Except where there is a President or vice President who can preside over a meeting, the Councillors present, shall elect from among themselves for the purpose of presiding at the meeting, one who is not likely to be a candidate for the ~~office~~ Office of President or Vice President, as the case may be

(c) if only one candidate has been nominated, there shall be no balloting and such candidate shall be deemed to have been elected, provided that the number of Councillors present shall not be less than half the total number of such Councillors

(d) if two or more candidates have been nominated the votes shall be recorded as follows -

Every Councillor wishing to vote shall at the meeting, write on a slip of paper the name of the candidate he wishes to be elected and place the same in a box so constructed that papers may be placed therein, but not extracted without the box being opened The Presiding authority shall then open the box and count the votes in the presence of the Council. Any ballot paper on which the names of more candidates than one are retained shall be invalid

(e) If there are only two candidates and

and both of them have secured any equal - number of votes, the election of one of them shall be made by lot by the Presiding - authority of the meeting in such manner as the Municipal Council at such meeting shall decide

(f) if there are more than two candidates and none of them has secured a majority of votes required by para (a), the ballot shall be repeated At each successive ballot, the candidate who obtained the fewest votes at the preceding ballot shall be ~~taken in order~~ eliminated ~~to decide which of them should be eliminated~~ The elimination shall, if no candidate - secures the prescribed majority of votes, be made until two candidates only are left If the two candidates left after the elimination secures an equal number of votes, the - election shall be made in the manner - indicated in Clause (e) supra

and he shall then be eligible to vote If two or more candidates lowest on the list have obtained an equal number of votes, a separate ballot shall be taken in order to decide which of them shall be eliminated.

(5) The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Deputy Commissioner of the District along with the minutes of the proceedings of the meeting with the names of Councillors present

(6) The validity of election may be - contested by a petition signed by at least three Councillors and not otherwise, provided that such petition shall reach the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the - election on account of material irregularity

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in the conduct thereof

'(7) Upon receipt of such petition an enquiry into the validity of such objections shall be held by the Deputy Commissioner or other - officer appointed for the purpose

(8) When seven days from the date of - election have expired or if any such - petition as is described in Rule (6) above has been received, then upon the conclusion of the enquiry into the validity of such objection or objections, the officer holding the enquiry shall report the proceedings together with his opinion, to Government who shall pass such orders as they may think fit Where the enquiry is held by an officer - inferior in rank to the Deputy Commissioner the records shall be sent through the Deputy Commissioner

(9) In the event of no election being held within the prescribed period or in case Government consider that an election is not properly held, they may appoint a President or Vice President or may order an election as the case may be

" By order,"

" General Secretary to Govt

To The Controller, Mysore Gazette for Publication

MUNICIPAL AND LOCAL BOARDS

No L 4586—*L B* 25 26 36 *dated* 17*th January* 1927

In supersession of the rules in force on the subject and in exercise of the powers conferred by Sections 18 and 100 (2) (*b*) of the Mysore District Boards Regulation and all other powers in this behalf the following rules for regulating the election of Presidents and Vice Presidents of District Boards are made by the Government :—

1 The Deputy Commissioner shall convene on a date fixed by him a meeting of the members of the Board for the election of a President and give notice thereof to each member at least ten days before the said date

2 The date of the meeting shall not be later than

(*a*) Fifteen days from the date of the commencement of the term of the Board and

(*b*) One month from the date of intimation (i) by the Government of a vacancy to the Deputy Commissioner in the case of an election to fill up a vacancy caused by resignation or removal of the President or (ii) by the District Board in the case of a vacancy caused by the death of the President and by leave being granted to him

3. (1) The Deputy Commissioner shall fix a date for the election of a Vice President on intimation by the District Board of their intention to have an elected Vice President to fill up an existing vacancy and give notice thereof at least ten days before the said date

(2) The date of election shall not be later than one month from the date of the receipt of such intimation

4 The members present shall, for the purpose of presiding at the meeting select from among themselves who is not likely to be a candidate for the office of the President or the Vice President as the case may be

5 Every candidate for the office of the President or Vice President must be proposed by one and seconded by another non official member present at the meeting

6 The election shall be decided by eliminating one by one the name of the candidate having the least number of votes at each voting until there are only two candidates left out of these whoever obtains the larger number of votes shall be declared elected provided that

(*a*) if there is only one candidate who has been duly proposed and seconded such candidate shall be deemed to have been elected

(*b*) in case of an equal number of votes being cast in favour of both the candidates a selection of one of them shall be made by lot immediately

7 The result of the election shall be declared at the meeting immediately by the Presiding authority and communicated by him without delay to the Government through the Deputy Commissioner along with the minutes of the proceedings of the meeting with the names of the members present

8 The validity of the election may be contested by petition signed by at least three members and filed before the Deputy Commissioner within seven days from the date of the election and shall allege specific grounds for setting aside the election

9 Upon receipt of such petition the Deputy Commissioner shall enquire personally into the validity of such objection or objections and shall upon the conclusion of the enquiry into the validity of such objection or objections submit the proceedings together with his opinion to the Government It will thereupon be open to Government to pass orders declaring the election to be invalid and in that case a fresh election should be held by the Deputy Commissioner within one month from the date of such order

By Order

B NAGAPPA

Secretary to Government

Local and Legislative Departments

he wo c[illegible] 'hei t e overn e t hall have directed that one or both of these office bearers be elected by the Council i tre rea cle to the rules may be omitted as they are unnecessary and misleading as no such direction is necessary in the case of the election of the Vice-President

2 The following observations are made with regard to the draft rules in which provision has not been made for voting by ballot -

3 Rule 1 is not suitable and clause (a) of the Rule can ap ly only to the electio of a -- President It is better to divide the subject matter into 2 rules as in the notific t or o 17th January 1957 prescribing rules for electio of Presidents an Vice- Presidents

4 ith regar to rule 2 it may be noted -- tha it is inexpe ie t to allo a President or Vice-P esi ent to pr side at uch eetings President or ice- resident is entitled to preside on such occa ions as a matter of course as t e proceedings at such eetings are to be conducted in accorda ce with the rules prescribed h e general r les fo the conduc or business a meetings of unicipal councils are not applicable to such cases he words 'except when there i a President or Vice-President who can preside at tre meetin "may therefore be deleted

5 Rule 7 is indefinite and incomplete I does not clearly state who should appoint th officer to enqui e into validity of elections This point may be made clear

6 In rule 8 it would be better to state specifically that the Govt may pass orders declaring the election to be invalid and in tha case a fresh election should be held In such case

instead of saying that "Government shall make such orders as they think fit" It is necessary to approve elections and it will quite do to retain powers to declare elections as invalid

7 Rule 9 appears to be ultra-vires If the power to appoint a President or Vice-President in default of election is to be retained in hands of Govt, this will have to be provided for in the regulation itself and not in the rules

8 As regards the other set of draft rules, the observations made above apply to rules 4 (b), 7 & and 9